



status conference where the parties agreed to continue argument regarding the DNA Consumption Motion and to further discuss whether the presence of a defense DNA expert during the testing process is possible.

Since that hearing, the government consulted with Michelle Martin, a Forensic Examiner in the DNA Casework Unit at the FBI Laboratory in Quantico, Virginia, as well as other members of the DNA Casework Unit. Ms. Martin is assigned to perform the DNA analysis on the evidence submitted in this case. As outlined in a letter from Charles C. Choi, Chief, Forensic Science Law Unit, FBI Forensic Laboratory, attached as Attachment A, consuming the entirety of the types of swabs submitted in this case provides the best opportunity to develop DNA results. Further, as detailed in Mr. Choi's letter, the FBI Laboratory will not allow outside personnel, including a defense DNA expert, to be present during the testing due to security, contamination, and COVID-19 concerns.

Therefore, for the foregoing reasons, as well as the reasons previously outlined in the government's prior DNA Consumption Motion, the government respectfully reasserts its request for an order permitting it to test the swabs listed in the DNA Consumption Motion.

Respectfully submitted,

/s/ John M. Lewis

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### **CERTIFICATE OF CONFERENCE**

The undersigned certifies that he has consulted with counsel for all defendants regarding the above Supplement to the DNA Consumption Motion. At the time of the filing of this Supplement, counsel are opposed to the relief sought herein.

/s/ John M. Lewis

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was sent to all counsel of record for each defendant on the date of this filing via ECF notification and electronic mail.

/s/ John M. Lewis

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